

U.S. Department of Justice

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NEWS RELEASE

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Paul J. McNulty, the United States Attorney for the Eastern District of Virginia, and Michael Chertoff, Assistant Attorney General, Criminal Division, U.S. Department of Justice, announced that William Fitzgerald, 53, of Arlington, Virginia, pled guilty today in federal district court in Alexandria, Virginia, to one count of criminal copyright infringement for distributing pirated software over the Internet. Fitzgerald, who will be sentenced by U.S. District Court Judge Gerald Bruce Lee on April 25, 2003 at 9 a.m., could receive a maximum sentence of three years in federal prison and a \$250,000 fine.

Mr. Fitzgerald operated a publicly accessible website through which he offered pirated copies of business software. Among the titles available were programs produced by Adobe, Autodesk, Macromedia, and Microsoft. Evidence obtained through this investigation revealed that thousands of pirated software programs were downloaded from Fitzgerald's website by users from around the world during the six-month period charged. As part of the plea agreement, the United States and Fitzgerald agreed that Fitzgerald illegally reproduced and distributed copyrighted software valued at between \$40,000 and \$70,000.

"Individuals, like Mr. Fitzgerald, who believe that the Internet provides a safe haven for illegal activities such as software piracy are wrong," said U.S. Attorney Paul McNulty. "This prosecution is another step in our continuing effort to eliminate intellectual property crime on the Internet and puts people that criminally infringe copyrighted software on notice that we will investigate, prosecute, and convict them," Mr. Chertoff noted.

Fitzgerald was convicted under the 1997 law known as the No Electronic Theft ("NET") Act which makes it illegal to reproduce or distribute on a large scale copyrighted works, such as software programs, even if the defendant acts without a commercial purpose or for private financial gain. The NET Act was passed by Congress to respond to the growing threat of piracy over the Internet.

The Washington Field Office of the Federal Bureau of Investigation and the Arlington County Police Department investigated the case after receiving several complaints about Fitzgerald's web site. The investigation eventually resulted in execution of a search warrant on Mr. Fitzgerald's residence in July of 2001. Computers and a significant amount of pirated business software were seized. At the time of the plea, Fitzgerald admitted to posting software programs on his web site and allowing them to be downloaded by the public.

Scott J. Stein, Assistant U.S. Attorney for the Eastern District of Virginia, and Jay V. Prabhu, Trial Attorney, U.S. Department of Justice, Computer Crime and Intellectual Property Section are prosecuting the case on behalf of the government.